

**REMARKS**

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested.

Claims 18-34 are pending in this application. By this Amendment, Applicants have cancelled Claims 1-17 without prejudice and added new Claims 18-34. The claim amendments were made to more precisely define the invention in accordance with 35 U.S.C. 112, paragraph 2. These amendments have not been necessitated by the need to distinguish the present invention from any prior art. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the originally filed application including from paragraphs 42-44 of this application as published.

The Examiner is encouraged to consider pending U.S. patent application serial no. 10/945,239 in connection with the examination of the present application. Applicants note that this application is being handled by Examiner Marissa Detschel in Art Unit 2877.

The Applicants also note that the Form 1449 filed on December 19, 2006 has yet to be initialed and returned because it was filed after issuance of the subject Office Action. That being the case, the Applicants respectfully request that this Form 1449 be considered and an initialed copy indicating the same be provided at the next possible time.

In the action, U.S. Patent Publication No. 2004/0006275 to Demos is used alone (under 35 USC 102e and 35 USC 103a) or in combination (under 35 USC 103a)

with U.S. Patent Publication No. 2003/0236458 to Hochman to reject original claims 1-

17. Applicants do not acquiesce to or agree with these rejections.

New claims 18-26 and 32-34 generally involve subtracting a second difference image from a first difference image to create an image of a layer in tissue. New claims 27-31 generally relate to forming a difference image by subtracting the perpendicular light from the parallel light, to determine a depth of the difference image at or from the surface of the tissue region in accordance with  $D = 1/(\mu_s (1-g))$ .

Neither Demos nor Hochman teaches or suggests anything about either of these aspects of the new claims, and thus no combination of Demos and Hochman could or would have resulted in the subject matter of any of the new claims.

Applicants submit that new claims 18-34 are in condition for allowance, and a notice of allowance is requested in due course.

A petition and related fee for a three-month extension of time is included with this Amendment. If the amount of the extension is deemed inadequate for any reason, please consider this a conditional petition for the proper extension. If the fee amount is deemed inadequate for any reason, please consider this conditional authorization to charge any needed fee to our Deposit Account No. 04-1105.

Serial No. 10/803,329  
Art Unit 3737

If a telephone interview would assist the Examiner in any way, please  
contact applicants' undersigned attorney.

Respectfully submitted,

Date: April 18, 2007

A handwritten signature in cursive script, reading "George Chaclas", written over a horizontal line.

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